IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 853 OF 2006
IN
NOTICE OF MOTION NO. 463 OF 2006
IN
SUIT NO. 925 OF 1990

1. Shri Vadiraj Naggappa Vernekar, .. Appellants.
since deceased through his heirs
& Legal Representatives :
1a) Smt.Shantabai Vadiraj Vernekar
and 3 other.

V/s.

Sharad Chandra Prabhakar Gogate .. Respondent.

Mr.Jaydeep Lele i/by M/s.Crawford Bayley & Co.for the Appellants.

Mrs.K.N.Velankar for the Respondent.

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATED : 01st DECEMBER, 2006.

P.C.:

. We heard the counsel for the Appellants and perused the impugned order.

2. It is not in dispute that examination-in-chief of the witness is by way of an affidavit duly signed by the witness -Sadanand Shet, who is sought to be recalled. In this view of the matter, the observation made by the learned trial Judge that the application for recalling has been made to fill up lacunas, cannot be

said to be faulted.

3. No case for interference in the impugned order is made out. Appeal is dismissed in limine.

(R.M.LODHA,J.)

(S.A.BOBDE,J.)

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